

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FERNANDO NAVARRO HERNANDEZ,

Petitioner,

v.

JOHN HENLEY, *et al.*,

Respondents.

Case No. 3:09-cv-00545-LRH-CSD

ORDER GRANTING
MOTION FOR EXTENSION OF TIME
(ECF NO. 334)

In this capital habeas corpus action, the Court ordered the parties to file supplemental briefing—an amended answer by Respondents, an amended reply by Petitioner Fernando Navarro Hernandez, and a response to the amended reply by Respondents—in the wake of the Supreme Court’s decision in *Shinn v. Ramirez*, 142 S. Ct. 1718 (2022). See Order entered June 28, 2022 (ECF No. 307). Respondents filed their amended answer on March 17, 2023 (ECF No. 317). Hernandez filed his amended reply on August 14, 2023 (ECF No. 322). On August 14, 2023, Hernandez also filed a motion for leave to conduct discovery (ECF No. 324), and a motion for evidentiary hearing (ECF No. 325). After a 30-day initial period, a 44-day extension of time, a 74-day extension of time and a 59-day extension of time, Respondents were due to respond to Hernandez’s amended reply, motion for leave to conduct discovery, and motion for evidentiary hearing, by March 8, 2024. See Order entered February 20, 2015 (ECF No. 94) (30 days for response to reply; responses to motions to be filed with response to reply); Order entered September 14, 2023 (ECF No. 327) (44-day extension); Order entered October 30, 2023 (ECF No. 330) (74-day extension), Order entered January 12, 2024 (ECF No. 332) (59-day extension).

On March 7, 2024, Respondents filed a motion for extension of time (ECF No. 334), requesting a further 90-day extension of time, to June 6, 2024, for their responses

1 to Hernandez's amended reply, motion for leave to conduct discovery, and motion for
2 evidentiary hearing. Respondents' counsel states that this extension of time is necessary
3 because of her obligations in other cases, serious personal health issues, and time that
4 she expects to be away from work over the next four months. Respondents' counsel
5 states that Hernandez, who is represented by appointed counsel, does not oppose the
6 motion for extension of time.

7 The Court finds that Respondents' motion for extension of time is made in good
8 faith and not solely for the purpose of delay, and that there is good cause for the requested
9 extension of time.

10 **IT IS THEREFORE ORDERED** that Respondents' Motion for Extension of Time
11 (ECF No. 334) is **GRANTED**. Respondents will have until and including **June 6, 2024**, to
12 file their responses to Petitioner's amended reply, motion for leave to conduct discovery,
13 and motion for evidentiary hearing.

14 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
15 proceedings set forth in the order entered February 20, 2015 (ECF No. 94) will remain in
16 effect.

17 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure
18 25(d), John Henley is substituted for William Gittere as the respondent warden. The Clerk
19 of the Court is directed to update the docket to reflect this change.

20 DATED THIS 12th day of March, 2024.

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23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE
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